

Application No.: 09/597,160

Docket No.: 21994-00007-US

REMARKS

The Office Action and prior art relied upon have been carefully considered. In an effort to expedite the prosecution Claims 2 and 6 have been cancelled. The subject matter of these dependent claims are incorporated in amended claims 1 and 5, respectively. Claims 1, 3-5, 7 and 8 have been amended to more clearly delineate the invention from the cited prior art.

Claims 1-8 have been rejected under 35 U.S.C. 103 as unpatentable over Sun in view of Miyahara and further in view of Yoshida.

As shown in Fig. 2, a recording apparatus of an electronic watermark is provided with a decider (deciding means) 5, which judges whether or not a first electronic watermark signal exists in the part of contents data that is extracted by an extractor (extracting means) 3. A switch (switching means) 6, outputs either:

- (a) the part of contents data extracted by the extractor 3 in the event the decider 3 judges that the first electronic watermark signal exists in the part of contents data; or
- (b) the part of contents data inserted with a second electronic watermark signal by an inserter (inserting means) 4 in case the decider 3 judges that the first electronic watermark signal does not exist in the part of contents data (see page 11, line 12 to page 12, line 11).

Apparatus claim 1 has been correspondingly amended to define extracting means for extracting a part of the contents data from the original contents data and deciding means for judging whether or not the first electronic watermark signal exists in the part of contents data extracted by the extracting means. In the event the first electronic watermark signal does not exist, inserting means insert a second electronic watermark signal having a content that is equivalent to that of the first electronic watermark signal detected by said detecting means in the part of contents data extracted by said extracting means.

Application No.: 09/597,160

Docket No.: 21994-00007-US

Switching means exist to output either:

(a) the part of the contents data extracted by said extracting means in the event the deciding means judges that the first electronic watermark signal exists in the part of contents data; or

(b) the part of contents data inserted with the second electronic watermark signal by said inserting means in the event the deciding means judges that the first electronic watermark signal does not exist in the part of contents data.

Thus, the claimed invention depends on the extraction of a part of contents data from the original contents data and this creates two possible states: one including the first electronic watermark signal; and the other excluding the first electronic watermark signal but including a part of the first electronic watermark signal. Therefore, in case a part of contents data is extracted from the original contents data so as to include the first electronic watermark signal, it is not necessary for the insert means to insert a second electronic watermark signal by the inserting means.

These comments also pertain to corresponding method claim 4, apparatus claim 5, and method claim 8.

Apparatus claim 5 and corresponding method claim 8 further require that the first electronic watermark signal is intermittently inserted during every interval of a plurality of information units of the original contents data.

Regarding the cited prior art, although they relate to the field of electronic watermarking, none of the references taken singly or in any reasonable combination meet the amended claims. The Examiner relies on Yoshida on page 5, last paragraph of the Office Action for a teaching of the critical deciding means and switching means of the claimed invention. The Examiner argues that the switch 11 in FIG. 1 of Yoshida et al. (US Patent No. 6,449,378) is equivalent to the deciding means of the present invention, and that the switch 21 in FIG. 2 of

Application No.: 09/597,160

Docket No.: 21994-00007-US

Yoshida et al. is equivalent to the switching means of the present invention. However, as will be appreciated after reviewing the following comments that this argument is incorrect.

According to Yoshida et al., the switch 11 in FIG. 1 is a switch (selection means) for selectively inputting only intraframe encoded data to the padding circuit (13). A buffer 12 stores the intraframe encoded data in which electronic watermark information is to be embedded (see column 4, lines 52-56). The switch 21 in FIG. 2 is a switch (detection means) for selectively inputting only intraframe encoded data to an extraction circuit (23). A buffer 22 stores intraframe encoded data from which electronic watermark information is to be extracted (see column 5, line 66 to column 6, line 9). In other words, Yoshida et al. teaches that an electronic watermark signal is inserted into only a specific frame or intraframe (see FIG. 1) and is then decoded (see FIG. 2). Thus, the switch 11 in FIG. 1 is not for judging whether or not a watermark signal exists in a part of contents data extracted, but rather for just shifting an output destination based on whether or not a frame is a specific frame (intraframe) to be inserted into a watermark signal. As a matter of fact switches 11 and 21 disable judging whether or not a watermark signal exists in an extracted part of contents data.

Thus, it is applicant's contention that any reasonable combination of Sun et al. (U.S. Patent No. 6,678,389), Yoshida et al. and Miyahara et al. (Japanese Publication No. 2000-013765) would not match the present invention wherein the deciding means is provided for judging whether or not the first electronic watermark signal exists in the part of contents data extracted by the extracting means, and wherein the switching means switches output based on whether or not the second electronic watermark signal is inserted in accordance with a judging result of the deciding means. The claims as amended are therefore considered to be patentable over the prior art.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Application No.: 09/597,160

Docket No.: 21994-00007-US

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21994-00007-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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